

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET
CIVIL APPLICATION NO.1998 OF 2006
IN
FIRST APPEAL NO.828 OF 2006

.....
Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions
& Registrar's orders.

Court's or
Judge's orders

.....
Mr.R.L.Majgaonkar for the Applicant
Mr.Girish Godbole for Respondent No.2

CORAM: A.S.OKA, J.
DATED: MAY 2, 2006.

P.C.:

1. Rule. Respondent No.2 waives service.
Taken up for hearing forthwith.

2. As the First Appeal is admitted for
final hearing, suit structure cannot be
allowed to be demolished on the basis of
the impugned notice and the impugned
order. However, the Applicant will have
to be put to terms.

3. Civil Application is disposed of by
passing the following order :

i) Till the final disposal of the Appeal,
the suit structure shall not be demolished

on the basis of the notice dated 20th September 1999 and the order dated 11th November 1999 subject to the condition that the Applicant will file an undertaking in writing in this Court within a period of three weeks from today stating therein that he will not create any third party interests and will not part with possession thereof and will not carry out any additions or alterations to the suit structure.

ii) If undertaking is not filed within the stipulated period, interim relief will stand vacated.

iii) It is made clear that grant of interim relief will not preclude the Respondent No.1 from taking out appropriate proceedings in accordance with law.

Judge .